REMARKS

Claims 1-15 are present in the application.

The specification has been amended to eliminate any reference to a non-extant FIG. 4.

Claim 1 has been amended to require that the thermal insulation of the base layer be "substantially non-compressible," as is evident from the listing of preferred materials at page 6, lines 7-9, and the absence of any blanket vent (i.e., the absence of any means for the entry or exit of gas through a cover layer). Additionally the cover layers are described as sealed together peripherally above the base layer "in a substantially gas-tight relationship ... to exclude water and water vapor" from said base layer (see page 5, lines 15-25).

Claim 4 has been amended to require that the peripheral margin of each blanket be "heat-sealed" (see page 5, lines 5-6).

Claim 15 has been amended to contain the same amendments as Claims 1 and 4.

Claims 1-4, 7-8 and 11-13 are rejected as anticipated by Walker U.S. 4,590,714, while Claims 5-6 and 9 are rejected as unpatentable or obvious over Walker. Claim 10 is rejected as unpatentable or obvious over Walker in view of Christoffersen U.S. 6,329,038, while Claims 14 and 15 are rejected as unpatentable or obvious over Walker in view of Repp, et al. U.S. 6,261,397.

It is necessary to distinguish between Applicant's "barrier" and Walker's "tarpaulin". Applicant's "barrier" is designed to permanently protect an exterior surface "from direct contact with dirt, wet concrete or other moisture sources that might

adversely affect it" (page 6, line 29 - page 7, line 1), especially concrete (page 8, lines 25-29).

By way of contrast, from the outset Walker is directed only to a "Heat Insulating Tarpaulin" (see the title) which he defines as useful for protecting "an underlying structure of material from wind, rain and the other affects of the weather" (see Abstract and Background of the Invention). Indeed, Walker's invention is directed only to providing "an extremely desirable weather-proof temporary structure" (col. 3, lines 9-14, emphasis added) rather than to providing a permanent structure such as Applicant's barrier.

Equally important, Walker's tarp cannot be used under the compressive forces of soil, concrete, etc. because the majority of its R-Value would be lost with the air therein (which would escape during compression). The insulating value of a "highly resilient fibrous glass insulation" (see middle of Abstract) derives not from the particular material used as the batt, but rather from the air or other gas which is trapped within the interstices of the batt. If the Walker fiberglass batt of 2-2 1/2 inches were placed under the soil or concrete coverings of the type anticipated in the use of Applicant's barrier, its initial R-Value of 8.90 would be cut by 75% or more.

The Walker insulation material, after compression to enable rolling, upon unrolling at a work site requires a source of air to permit it to expand to its full thickness. Walker provides vents for this purpose, but, if the Walker tarp were used under compression from a soil or concrete covering, it would not be able to expand to its full thickness, as necessary to provide the desired R-Value. Further, while Walker provides

for ambient air to enter the tarp (at least before it is covered by such soil or concrete covering), even ambient air containing only 1.5% moisture would reduce the R-Value of the Walker fiberglass batt by 50%. Accordingly, the very ambient air introduced into the Walker batt to provide its insulating value contains the very moisture which is detrimental to its insulating value.

Thus, the vents required to permit the Walker tarp to be compressed and rolled up prior to use, also require the introduction of ambient air to reinflate (uncompress) the rolled out tarp and return the fiberglass batt to its normal, fully insulating thickness. However, the ambient air allowed to pass into the tarp through the vents also brings with it moisture vapor which interferes with the insulating value that can be afforded by the tarp.

Needless to say, the provision of the Walker vents not only allows moisture vapor to enter into the batt, but also the entry of deleterious soil gas, insects (such as termites), and the like.

To summarize, the Walker insulating material must be expanded to its full thickness to optimize its insulating value. However, the ambient air used to expand the material on site (and thereby optimize the insulating value of the batt) would contain moisture sufficient to preclude obtaining the desired insulating value.

In terms of claim language, the Walker material does not include "substantially non-compressible" thermal insulation, and the seaming (e.g., sewing or stitching) of the cover layers peripherally about the base layer does not provide a "substantially gas-tight

relationship to exclude water and water vapor from said base layer" as does Applicant's "heat-sealing."

In view of the above amendments and remarks, reconsideration of the rejection and allowance of all claims is respectfully requested.

If an extension of time is required to enable this document to be timely filed and there is no separate Request for Extension of Time, this document is to be construed as also constituting a Request for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed. Any fee required for such a Request for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17 and not submitted herewith should be charged to the Deposit Account of the undersigned attorneys, Account No. 01-1785; any refund should be credited to the same account. One copy of this document is enclosed.

Respectfully submitted

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